

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re:

RONALD BRASHER, LICENSEE OF
PRIVATE LAND MOBILE STATIONS
WPLQ202, WPCG967, WPL0495,
WPKH771, WPKI739, WPKI733,
WPKI707, WIL990, WPLQ45,
WPLY658, WPKY903, WPKY901,
WPLZ533, WPKI762 AND WPDU262,
DALLAS/FORT WORTH, TEXAS, et al.

No. 00-156

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Official Reporters
1220 L Street, N.W., Suite 600
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hrc@concentric.net

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In The Matter Of:)	
)	
RONALD BRASHER,)	EB Docket No. 00-156
)	
Licensee of Private Land)	
Mobile Stations WPLQ202,)	
KCG967, WPLD495, WPKH771,)	
WPKI739, WPKI733, WPKI707,)	
WIL990, WPLQ475, WPLY658)	
WPKY903, WPKY901, WPLZ553,)	
WPKI762, and WPDU262,)	
Dallas/Fort Worth, Texas,)	
et al.)	

Room TW-A-363
FCC
445 12th Street, N.W.
Washington, D.C. 20554

Monday,
February 26, 2001

The parties met pursuant to notice of the
Judge, at 9:59 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On Behalf of Ronald Brasher, Patricia Brasher,
Estate of O.C. Brasher, Metroplex Two-Way Radio,
DLB Enterprises:

MARK W. ROMNEY, Esquire
Vial, Hamilton, Koch & Knox, L.L.P.
1717 Main Street, Suite 4400
Dallas, Texas 75201
(214) 712-4400

Heritage Reporting Corporation
(202) 628-4888

APPEARANCES: (Continued)

On Behalf of Ronald Brasher, Patricia Brasher,
Estate of O.C. Brasher, Metroplex Two-Way Radio,
DLB Enterprises:

ROBERT H. SCHWANINGER, Esquire
MICHAEL L. HIGGS, JR., Esquire
Schwaninger & Associates, P.C.
1331 H Street, N.W., Suite 500
Washington, D.C. 20005
(202) 347-8580

On Behalf of David and Diane Brasher:

K. LAWSON PEDIGO, Esquire
Fulbright & Jaworski, L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201
(214) 855-8184

RONNIE D. WILSON, Esquire
100 North Central Expressway, Suite 1211
Richardson, Texas 75080
(972) 699-0441

On Behalf of the Federal Communications
Commission, Enforcement Bureau:

JUDY LANCASTER, Esquire
Federal Communications Commission
Enforcement Bureau
445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-7584

WILLIAM H. KNOWLES-KELLETT, Esquire
Federal Communications Commission
Enforcement Bureau
1270 Fairfield Road
Gettysburg, Pennsylvania 17325
(717) 338-2505

Heritage Reporting Corporation
(202) 628-4888

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Ronald Brasher	24	--	--	--	--
Examination by Judge:					

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Judge's:</u>			
1	43	45	--
<u>Enforcement Bureau's:</u>			
1 through 65	44	--	--
16	(Prev.)	142	--
17	(Prev.)	141	--
9	(Prev.)	171	--
12	(Prev.)	174	--
11	(Prev.)	179	--
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27	(Prev.)	215	--
30	(Prev.)	215	--
33	(Prev.)	215	--
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E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Enforcement Bureau's:</u>			
15	(Prev.)	216	--
1	(Prev.)	218	--
2	(Prev.)	218	--

P R O C E E D I N G S

(9:59 a.m.)

JUDGE STEINBERG: On the record.

This is the commencement of the hearing in EB Docket No. 00-156, involving an order to show because, hearing designation order and notice of opportunity for hearing which was released by the Commission on August 29, 2000. The issues in this proceeding seek to determine whether the licensees made misrepresentations to or lacked candor with the Commission; whether the licensees were real parties in interest in the applications of others or engaged in unauthorized transfers of control; whether any of the parties abused the Commission's processes; and ultimately, whether certain licenses should be revoked and certain applications should be granted.

A prehearing conference was held on October 23, 2000, at which time all parties agreed to start the hearing today.

Let me first take the appearances of counsel for Ronald Brasher.

MR. ROMNEY: Your Honor, Mark Romney for Ronald Brasher, and I have with me also Robert Schwaninger and Michael Higgs.

JUDGE STEINBERG: You don't have to stand up. You can all -- if you feel more comfortable standing, you can

1 stand. If you want to stay seated, stay seated. It doesn't
2 matter to me. For Patricia Brasher?

3 MR. ROMNEY: Same, Your Honor.

4 JUDGE STEINBERG: For David Brasher?

5 MR. PEDIGO: Yes, Your Honor. When I see that
6 robe, it's a reflex, so I will try to work on it sitting
7 down.

8 JUDGE STEINBERG: You can do whatever you want.

9 MR. PEDIGO: Yes. I am Lawson Pedigo, and this is
10 Ronnie Wilson. We both represent David Brasher and Diane
11 Brasher.

12 JUDGE STEINBERG: Okay. For D.L. Brasher?

13 MR. PEDIGO: That's David L. Brasher, Your Honor.

14 JUDGE STEINBERG: Right. Same appearance?

15 MR. PEDIGO: Yes, Your Honor.

16 JUDGE STEINBERG: For the Estate of O.C. Brasher?

17 MR. ROMNEY: Mark Romney again.

18 JUDGE STEINBERG: For Metroplex Two-Way Radio
19 Service?

20 MR. ROMNEY: Mark Romney.

21 JUDGE STEINBERG: For DLB Enterprises?

22 MR. ROMNEY: Same Your Honor.

23 JUDGE STEINBERG: And for the Chief, Enforcement
24 Bureau, FCC.

25 MS. LANCASTER: Judy Lancaster and Bill Knowles-

1 Kellett for the FCC, Your Honor.

2 JUDGE STEINBERG: Okay, I have got several
3 preliminary matters. The first thing I want to talk about
4 is a motion to accept late-filed documents.

5 On February 12, 2001, Ronald Brasher, Patricia
6 Brasher and DLB Enterprises, Inc. filed a motion to accept
7 late-filed documents. In their motion, these parties
8 request the acceptance of the direct case exhibits and list
9 of witnesses which were delivered on February 12, which was
10 one week late. Any objections to the motion?

11 MS. LANCASTER: I'm sorry, Your Honor. Is that
12 the motion where they asked for the handwriting --

13 JUDGE STEINBERG: No, this is a motion to accept
14 late-filed documents. Did you get it?

15 MS. LANCASTER: I don't -- may I look at it?

16 JUDGE STEINBERG: Sure.

17 MS. LANCASTER: Oh, yes, Your Honor, we have no
18 objections.

19 JUDGE STEINBERG: Okay, without objection the
20 motion will be granted, and I will issue an order eventually
21 accepting it.

22 Okay, the second thing that I have is we have a
23 lot of Brashers and Sumpters in this case, and I want to
24 avoid confusion to the extent that we can avoid confusion.
25 So when we are talking to the witnesses, and when we are

1 referring to other people, let's use first names. So that
2 Ronald will be "Ron," Patricia will be whatever she prefers
3 to be called, et cetera, et cetera, and I'll try to stay --
4 if somebody uses "Mister," obviously if the witness is
5 testifying and I use "Mr. Brasher," everyone knows who the
6 Mr. Brasher is that you are referring to, or Sumpster,
7 because that's the witness.

8 But when you are talking about other people try to
9 use the first names, and I'll explain the same thing to each
10 of the witnesses and with the understanding that there will
11 be no disrespect is intended. I just want to make this
12 thing as clear as possible when somebody has to read it
13 because somebody is going to lose an appeal.

14 MR. SCHWANINGER: Your Honor.

15 JUDGE STEINBERG: Yes, sir?

16 MR. SCHWANINGER: There is one person, Carolyn Sue
17 Lutz ("Lootz," phonetic) which some of the people refer to
18 as "Carolyn" and some of them refer to as "Sue."

19 JUDGE STEINBERG: Well, she's the only -- it's
20 Lutz ("Lootz") not Lutz?

21 MR. SCHWANINGER: It's Lutz ("Lootz").

22 JUDGE STEINBERG: Okay, the New York pronunciation
23 is Lutz, so I will try to use the Texas pronunciation. She
24 is the only Lutz, so we don't have to worry about her.

25 MR. SCHWANINGER: Okay.

1 JUDGE STEINBERG: I'm just talking about where
2 there is more than one of the same name. Okay, the second
3 or the third thing I want to talk about is I don't want any
4 double-teaming. Did everybody know what double-teaming
5 means? Okay, maybe no.

6 That means that if a witness is put up on the
7 stand, one attorney asks the questions, one attorney from
8 either of the other people makes the objections, so we don't
9 have five people standing up making objections. There is an
10 exception to that and that is if the testimony is such with
11 this technical stuff, and one attorney wants to handle
12 regular stuff. If you can break the thing down by category
13 and say, okay, this attorney is going to handle this
14 category, this attorney is going to handle the other
15 category, and there is no objection, then that's fine. But
16 I just want one person handling each witness, direct and
17 cross-examination, and one person making objections.

18 Now, if that requires people wadding up pieces of
19 paper and throwing them at other people, and hitting and
20 conferring, that's fine, but I don't want -- I don't want
21 more than one attorney handling any witness because, number
22 one, I don't think it's fair, and it's very awkward.

23 The next thing I have is when you make an argument
24 or you raise an objection, I want you to talk to me, not to
25 your opposing counsel. I suspect -- I hope I am wrong, but

1 I suspect things eventually might get heated and it will
2 keep the heat down if you talk to me, and you don't start
3 looking at each other and making statements to each other.
4 You look at me and you make them to me, and then I will
5 handle it.

6 The next thing is after today we will start at
7 9:00 a.m. each day, and we will continue to about 4:00 or
8 4:30 p.m. If 4:00 - 4:30 comes around, and we can finish a
9 witness for that day in a reasonable period of time, we will
10 finish the witness and get the witness out of here.

11 I also don't like witnesses hanging over the night
12 so that there is direct one day and cross the next day
13 because I think it gives an unfair advantage to the people
14 doing the questioning second, so to the extent it's
15 possible, it might not be possible.

16 Then the next thing I have is the Bureau exchanged
17 a report from a handwriting expert, and in the report the
18 questioned documents are referred to Q1 through Q whatever,
19 and I assume that the Bureau is going to offer these
20 documents into evidence, and what I want the Bureau to do is
21 to make a little index or a little chart that says Q1 equals
22 Enforcement Bureau Exhibit whatever it is, page whatever it
23 is, so that everybody knows exactly what we are talking
24 about when we are talking about Q1, Q2 or Q10.

25 And if it's possible to enter into a stipulation

1 that Q1 is this and Q2 is that, that would be preferable. I
2 don't see that there would be any problem doing that, but
3 what I would like you to do, and there is no time limit on
4 that; just before you put that witness up, if you are going
5 to put the witness up. And if you want to go ahead and do
6 it during lunch today, that's great. If you don't, I don't
7 care. But I just -- I would like it in everybody's hands
8 and mine before that witness is put on.

9 MS. LANCASTER: Yes, sir.

10 JUDGE STEINBERG: And you don't have to refer --
11 there are a lot of documents in there 10 times. You don't
12 have to say it's in 10 different exhibits, just point out
13 one so that everybody -- I mean, that would be -- to have to
14 go through this stuff and pick out every time this Q1
15 appears, just where you think it's most important or where
16 you can find it.

17 MS. LANCASTER: Yes, sir.

18 JUDGE STEINBERG: The next thing is I don't know
19 if this is possible, but there are a number of witnesses
20 that were called by both the Bureau and by -- well, I don't
21 know how to refer to --

22 MR. PEDIGO: Ron and Pat, and Dave and Diane.

23 JUDGE STEINBERG: Okay. By Ron and Pat, and in
24 terms of their direct cases, and if it's possible, what I
25 would like to do, if you can work out an arrangement what I

1 would like to do is -- the Bureau is going to go first, so
2 they will put up a Sumpter. Then they will direct-examine
3 the Sumpter. Then you will cross-examine the Sumpter. And
4 if it's possible, we will take a little break, and you can
5 make a determination as to whether you want to direct-
6 examine him, and then we will take care of that then, and
7 then you will direct, and the Bureau will cross, and then we
8 will get rid of that Sumpter.

9 Otherwise, they are going to be hanging over for a
10 couple of days, possibly a weekend, and I would tell you if
11 that's the case you would need to subpoena them back and you
12 would have to pay for their way back here if they want to go
13 home for the weekend, or if they don't want to go home for
14 the weekend, you might not have to pay for their trip back
15 because the Bureau already did that, but you might have to
16 pay for their hotel because I think that's the fairest thing
17 to do.

18 If you can work it out, try to work it out, and if
19 you can't then we will go in the normal order, which is the
20 Bureau will do its direct case and they will complete its
21 direct case, and Ron and Pat, and then David and Diane.

22 MR. ROMNEY: Your Honor, I have no objections to
23 putting on -- using one witness at a time and being done
24 with that particular witness.

25 JUDGE STEINBERG: Okay.

1 MR. ROMNEY: Now, with the reservation that if
2 perhaps I want to call some of my clients to clear things up
3 after other witnesses have testified, I would certainly do
4 that in my direct case.

5 JUDGE STEINBERG: Well, I anticipated that David
6 would be probably staying here for the whole hearing.

7 MR. ROMNEY: Ron will be.

8 JUDGE STEINBERG: I'm sorry, Ron. See, I've
9 already messed up. Let me hear from Ms. Lancaster?

10 MS. LANCASTER: Your Honor, the problem that we
11 have with that is that most of our witnesses are rebuttal
12 witnesses. Consequently, if they don't -- we're going to
13 call Mr. Ron Brasher first. If they don't put on their
14 direct case while he's on the stand, our rebuttal witnesses
15 are going to have to come back again possibly after he then
16 takes the stand again.

17 MR. ROMNEY: I'll do my direct case with them, but
18 I reserve the right to recall them as a part of a rebuttal,
19 of my rebuttal or as my direct case, as it were, however
20 Your Honor desires to describe that.

21 JUDGE STEINBERG: Let's see how it goes.

22 MR. ROMNEY: Right.

23 JUDGE STEINBERG: I mean, if you don't want to a
24 Sumpter first, then you can't direct him unless he say,
25 okay. Well, anyway, let's get to that when -- if the

1 problem arises, I'll deal with it.

2 MR. KNOWLES-KELLETT: Now maybe I'm just a little
3 confused, Your Honor.

4 JUDGE STEINBERG: Okay.

5 MR. KNOWLES-KELLETT: What we were thinking was
6 that it would be better if we put on our direct case with
7 Ronald Brasher, and then they did their cross and direct of
8 Ronald. If that's what they are agreeing to --

9 JUDGE STEINBERG: Well, that's what Mr. Romney
10 suggested.

11 MR. ROMNEY: That's what I said.

12 MR. KNOWLES-KELLETT: Okay. Okay.

13 JUDGE STEINBERG: And then if Mr. -- and then if
14 Ron is called back, it will be as a rebuttal witness with
15 the limitations that there are, you have to rebut something
16 that went on during their direct.

17 MR. KNOWLES-KELLETT: Great.

18 JUDGE STEINBERG: Okay. The last thing I have is
19 on my own motion I'm going to require witnesses to be
20 sequestered. I think there is going to be credibility
21 determinations that need to be made, and I really don't want
22 the witnesses hearing what each other has testified to. You
23 know, not that they haven't spoken about it just a little
24 bit maybe.

25 Now, you can have somebody, like Ron or Pat, in

1 the courtroom to assist you in preparing, but you have to
2 make an election as to which one it will be. In other
3 words, you can't have Pat in here when Ron is testifying.
4 You can't have Ron in here when Pat -- oh, you can have Ron
5 in here when Pat is testifying. Do you follow what I am
6 saying?

7 MR. ROMNEY: Well, I follow what you are saying,
8 and I was going to make the same Rule 615 motion myself.

9 JUDGE STEINBERG: Okay. Don't hit me with
10 numbers. I don't want numbers.

11 MR. ROMNEY: The rule, invoke the rule to exclude
12 witnesses.

13 JUDGE STEINBERG: Okay.

14 MR. ROMNEY: But I would only point out to Your
15 Honor that I don't know what the FCC procedure is on this,
16 if there is one, but I don't know if you can exclude a
17 licensee --

18 JUDGE STEINBERG: No, no.

19 MR. ROMNEY: -- who is being questioned --

20 JUDGE STEINBERG: Well --

21 MR. ROMNEY: -- without a license except for those
22 people like the Sumpters who have already vacated their
23 license.

24 JUDGE STEINBERG: Well, I can exclude -- actually,
25 I can exclude anyone I want to exclude because I'm

1 responsible for ensuring the fullness and integrity of the
2 record, and if I believe that Ron shouldn't be here for
3 anybody's testimony, I can do that, but I understand the
4 unfairness in that.

5 MR. ROMNEY: And I think there is some
6 constitutional issues there.

7 JUDGE STEINBERG: Well --

8 MR. ROMNEY: Beside the point.

9 JUDGE STEINBERG: Well, this isn't a criminal
10 proceeding, you know.

11 MR. ROMNEY: I understand.

12 JUDGE STEINBERG: So you decide who you want to
13 have and the same thing with you, you decide you can have
14 David or Diane, but not both, throughout the whole thing.
15 And I don't want any witnesses to discuss their testimony,
16 what went on this courtroom, with any other witness. And to
17 the extent possible, I don't want the attorneys to directly
18 tell any witness what any witness what another witness
19 testified.

20 If you can do it cleverly by saying, when you
21 prepare them by saying, well, this is what you're going to
22 say. What if I told you somebody else said this, without
23 saying, well, Ron said this. I mean, I just think it would
24 be cleaner that way. I mean, you all know how to do that
25 without getting in trouble. Okay, any questions about any

1 of that?

2 And then when the record is closed and all the
3 witnesses, then the sequestration order will be lifted, and
4 then anybody can talk to anybody about whatever they want
5 to, I mean assuming everybody is still talking.

6 MR. KNOWLES-KELLETT: One a witness has testified,
7 the sequestration is lifted and they can stay --

8 JUDGE STEINBERG: No.

9 MR. KNOWLES-KELLETT: No?

10 JUDGE STEINBERG: When the record is closed.

11 MR. KNOWLES-KELLETT: Okay.

12 JUDGE STEINBERG: The possibility always exists
13 the person could come back, and I don't want to have any
14 questions in the past. Okay, any other preliminary matters
15 that I haven't thought of?

16 MS. LANCASTER: Yes, sir. I believe for the
17 majority of the documents that are being introduced, at
18 least that we have put in our direct case, Ron Brasher's
19 attorneys also put up most of the same documents except that
20 perhaps some of the Form 600 and a few things like that. I
21 wanted to know how you wanted to handle the documents. We
22 made two copies of our direct case for the court reporter,
23 and I didn't know -- and everyone has a copy of the direct
24 case.

25 JUDGE STEINBERG: Well, I --

1 MS. LANCASTER: I didn't know how you wanted us to
2 handle the admission of the documents.

3 JUDGE STEINBERG: Well, you handle the admission
4 of your own documents, but I don't see -- I mean, if Ron
5 Brasher's exhibits are identical to the Bureau's exhibits, I
6 don't see why we have to have two - three booklets worth of
7 stuff that's in there already.

8 MS. LANCASTER: I guess -- I'm sorry.

9 JUDGE STEINBERG: Chapter No. 67, 67 -- Ron
10 Brasher's 67 is new. But I mean if -- if there are
11 differences in pages, maybe you just want to put in the
12 page. But I understand why you exchanged them because if
13 the Bureau doesn't offer one you might want the opportunity
14 to offer one. And if he hasn't exchanged it, you can't
15 offer it.

16 MR. ROMNEY: Our effort was, Your Honor, to reduce
17 the paper load on the Court.

18 JUDGE STEINBERG: Right.

19 MR. ROMNEY: And that's why we adopted the same
20 numbers that the Bureau assigned to their documents so that
21 there would not be a different number for the same document,
22 to the extent possible.

23 JUDGE STEINBERG: But maybe we could -- well, when
24 we get to their direct case --

25 MS. LANCASTER: I guess, a further question would

1 be about originals. The only originals that we have -- that
2 the Bureau really has are the license applications
3 themselves. We would like -- the FCC would like to maintain
4 the originals, and I am wondering if we could use the copies
5 in the direct case as the exhibits instead of having to put
6 in the originals.

7 JUDGE STEINBERG: Anybody have any objection to
8 that idea?

9 MR. PEDIGO: No objection. We would like to be
10 able to just take a look at the originals.

11 MS. LANCASTER: Sure.

12 JUDGE STEINBERG: Sure.

13 MR. PEDIGO: We have only looked at copies so far.

14 MR. ROMNEY: I can't predict where the testimony
15 in the case is going to go, Your Honor, but to the extent
16 that the veracity or the signatures are questioned and that
17 becomes an issue on appeal, then I can certainly see how the
18 originals would need to be kept with the court record if
19 there were to ever be a necessity to use original documents
20 for future examination of some sort.

21 JUDGE STEINBERG: Okay.

22 MR. ROMNEY: And I only raise that in the event
23 that that really becomes an issue. Absent that issue, I
24 have no objections to using copies.

25 JUDGE STEINBERG: Okay. Then let's -- why don't

1 we use the copies unless there becomes a need not to.

2 MS. LANCASTER: Okay.

3 JUDGE STEINBERG: Nothing further that's
4 preliminary?

5 Okay, to save some time -- okay, now, the Bureau
6 goes first, and do you want your documents to be identified,
7 your exhibits? How do you want to do it? Do you want to do
8 it exhibit by exhibit with the witnesses? We can sort of do
9 this -- we can have a mass identification which will take a
10 few minutes.

11 MS. LANCASTER: I will be happy to go down the
12 list of all the documents listed in the direct case, Your
13 Honor, if you would like me to do it that way.

14 JUDGE STEINBERG: Well, it could take a half an
15 hour. What I would like to do is short-circuit things.
16 Does everybody have a copy of the Bureau's index of
17 exhibits?

18 Okay, we will mark that Judge's Exhibit No. 1.

19 (The document referred to was
20 marked for identification as
21 Judge's Exhibit No. 1.)

22 JUDGE STEINBERG: Okay, and it's a six-page
23 document. It's entitled "Enforcement Bureau EB Docket No.
24 00-56, Index of Exhibits." And what this --

25 MR. KNOWLES-KELLETT: Seven pages.

1 JUDGE STEINBERG: Pardon me?

2 MR. KNOWLES-KELLETT: Seven pages, Your Honor.

3 JUDGE STEINBERG: I have six.

4 MS. LANCASTER: It's six pages.

5 MR. KNOWLES-KELLETT: Oh.

6 JUDGE STEINBERG: I'm not talking about the cover
7 letter.

8 MR. KNOWLES-KELLETT: Pardon me, Your Honor.

9 JUDGE STEINBERG: Okay. This document contains
10 the exhibit number, a brief description of the exhibit, and
11 the number of pages in the exhibit, and who the sponsoring
12 witness is.

13 And what I would propose is that this Judge's
14 Exhibit No. 1 be received into evidence for the purpose of
15 identifying all the documents that are in the Bureau's
16 direct case. Any objection?

17 MR. ROMNEY: No, Your Honor.

18 JUDGE STEINBERG: Okay, all the documents are
19 identified as is show in Judge's Exhibit No. 1. And I'm
20 handing the reporter two copies of that.

21 (The documents referred to
22 were marked for identification
23 as Enforcement Bureau Exhibit
24 Nos. 1 through 65, inclusive.)

25 JUDGE STEINBERG: So I guess my own Exhibit No. 1

1 is received, and that's the extent of my exhibits.

2 (The document referred to,
3 previously identified as
4 Judge's Exhibit No. 1, was
5 received in evidence.)

6 MR. KNOWLES-KELLETT: While we are at it, should
7 we do an Exhibit No. 2, Judge's Exhibit No. 2.

8 JUDGE STEINBERG: For what?

9 MR. KNOWLES-KELLETT: Ronald Brasher's report.

10 JUDGE STEINBERG: No, because it's not his turn
11 yet, and he may only want to offer No. 67, and maybe he will
12 number it No. 1. I don't know. It's up to him. Okay, Ms.
13 Lancaster, call your first witness, and then all the other
14 witnesses, we have a nice witness room.

15 MS. LANCASTER: Where is the nice witness room,
16 Your Honor?

17 JUDGE STEINBERG: It's down the hall. It's marked
18 "Witness Room." I think there is a TV in there. There
19 might be some magazines in there, but unfortunately, given
20 this neighborhood, there is nothing else to do unless you
21 want to take a subway up to where we used to be.

22 (Away from microphone.)

23 MS. LANCASTER: We will call Mr. Ronald Brasher,
24 Your Honor.

25 JUDGE STEINBERG: Okay, Mr. Ronald Brasher. Would

1 you raise your right hand?

2 Whereupon,

3 RONALD BRASHER

4 having been duly sworn, was called as a witness
5 and was examined and testified as follows:

6 JUDGE STEINBERG: Please be seated.

7 DIRECT EXAMINATION

8 BY MS. LANCASTER:

9 Q Mr. Brasher, I'm sorry, Ronald. Do you prefer to
10 be called Ron or Ronald?

11 A Ron will be fine.

12 Q Okay. I just want to ask you a few questions
13 about your background.

14 JUDGE STEINBERG: How about name and address and
15 all that other stuff?

16 MS. LANCASTER: That's what I was going to do.

17 JUDGE STEINBERG: Okay.

18 BY MS. LANCASTER:

19 Q Would you state your full name for the record,
20 please?

21 (Away from microphone.)

22 A Ronald D. -- David Brasher.

23 Q And what is your home address?

24 A 224 Molina, Sunnyvale, Texas, 75182.

25 (Away from microphone.)

1 MR. ROMNEY: Excuse me, Your Honor. Could I ask
2 the witness to speak up, please? We can't -- the noise of
3 the AC system, I can't hear back here.

4 MS. LANCASTER: Would you like me to repeat that
5 question, Mr. Romney?

6 MR. ROMNEY: No, that's fine.

7 BY MS. LANCASTER:

8 Q Would you repeat your home address, please?

9 A 224 Molina Drive, Sunnyvale, Texas 75182.

10 Q And your home phone number?

11 A (972) 226-1087.

12 Q Are you employed?

13 A No, ma'am.

14 Q Are you married?

15 A Yes, ma'am.

16 Q Would you give us the name of your wife, please?

17 A Patricia Ann Brasher.

18 Q And how old are you, Mr. Brasher?

19 A Sixty-seven.

20 Q Do you have any children?

21 A One.

22 Q And what's your child's name?

23 A David Lynn Brasher.

24 Q Do you have any grandchildren?

25 A Two.

1 Q And what are their names?

2 A Michael Brasher, and Haley Ann Brasher.

3 Q How old are they?

4 A Michael is 28 years, Haley will be 15 this month.

5 Q Were you formally employed -- strike that. It's
6 my understanding that you are the owner of DLB and Metroplex
7 Two-Way Radio, is that correct, one of the owners?

8 A I have 40 percent of the shares.

9 Q Are you retired from working at DLB and/or
10 Metroplex?

11 A Yes.

12 Q Where did you work prior to going to work for DLB?

13 A Sears Roebuck & Company.

14 Q And what did you do for Sears?

15 A The end job was catalog director and distribution,
16 and before that I had all various jobs at Sears.

17 Q Are those management positions at Sears?

18 JUDGE STEINBERG: Let's go off the record.

19 (Discussion off the record.)

20 BY MS. LANCASTER:

21 Q Did you retire from Sears?

22 A I resigned from Sears.

23 Q How many years did you work for Sears?

24 A Thirty, 30 plus years.

25 Q So you do not receive any retirement pay from

1 Sears?

2 A I receive from Sears a -- it's not a retirement.
3 It's a compensation for the years I was there under a
4 management agreement.

5 Q Okay. And when did you quit Sears?

6 A 1984.

7 Q What did you do after you quit Sears?

8 A I went to work for Metroplex Two-Way Radio.

9 Q What was your first position at Metroplex Two-Way
10 Radio?

11 A Sales, selling equipment.

12 Q I would like to ask a little bit about the company
13 structure of DLB, Metroplex Two-Way Radio.

14 A At what point in time?

15 Q When you first went to work there.

16 A Okay.

17 Q What was the name of the company, the main
18 company?

19 A The company is DLB Enterprises, with doing
20 business as Metroplex Two-Way Radio.

21 Q All right. Is Metroplex and DLB, are they
22 separate corporations?

23 A No.

24 Q Okay. Is it one corporation?

25 A One corporation, one doing business as.